

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America, )  
 ) File No. 17-CR-210(1)  
 ) (PJS)  
Plaintiff, )  
 )  
v. ) Minneapolis, Minnesota  
 ) March 28, 2019  
Deshawn Michael Mapp, ) 9:00 a.m.  
 )  
Defendant. )  
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BEFORE THE HONORABLE PATRICK J. SCHILTZ  
UNITED STATES DISTRICT COURT JUDGE  
(REVOCATION HEARING)

**APPEARANCES**

**For the Plaintiff:**

**U.S. ATTORNEY'S OFFICE  
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Minneapolis, Minnesota 55415**

**For the Defendant:**

**OFFICE OF THE FEDERAL DEFENDER  
REYNALDO ALIGADA, PDA  
300 S. 4th St., #175  
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Court Reporter:

DEBRA K. BEAUVAIS, RPR-CRR  
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**P R O C E E D I N G S**

**IN OPEN COURT**

THE COURTROOM DEPUTY: All rise. United States District Court for the District of Minnesota is now in session, the Honorable Patrick J. Schiltz presiding.

THE COURT: Good morning. Please be seated.

We are here today on the case of United States of America v. Deshawn Michael Mapp. The case is Criminal No. 17-210.

If I could have the attorneys make their appearances, please.

MR. SING: Good morning, Your Honor. Jordan Sing on behalf of the United States.

THE COURT: Good morning, Mr. Sing.

MR. ALIGADA: Good morning, Your Honor. Reggie Aligada on behalf of Mr. Mapp, who is present in court.

THE COURT: And good morning to both of you.

Let me just set the record here. In 2011, Mr. Mapp pled guilty to distribution of cocaine base. Judge John Jarvey of the Southern District of Iowa sentenced Mr. Mapp to 160 months' imprisonment followed by eight years of supervised release.

Mr. Mapp's sentence was later reduced to 105 months.

Mr. Mapp was released from custody on June 19th,

1 2017 and his supervised release also began that day. Also  
2 on June 19th, 2017 the conditions of Mr. Mapp's supervised  
3 release were read and explained to him.

4 On August 28, 2017 jurisdiction was transferred to  
5 this Court.

6 Mr. Mapp has violated the conditions of his  
7 supervised release on numerous occasions. First, on  
8 September 14, 2017, after Mr. Mapp was charged with  
9 fifth-degree assault, disorderly conduct, and trespass in  
10 Hennepin County District Court and after Mr. Mapp failed to  
11 report his arrest to his probation officer, I deferred  
12 taking any action.

13 Second, on November 14, 2017, after Mr. Mapp  
14 tested positive for marijuana, admitted to using alcohol,  
15 and appeared to have tampered with his sweat patches, I  
16 modified the conditions of Mr. Mapp's release to require him  
17 to perform 16 hours of community service.

18 Third, on February 21st, 2018, after Mr. Mapp pled  
19 guilty to disorderly conduct in Hennepin County District  
20 Court, was charged with careless driving and failure to  
21 notify owner of damaged property in Anoka County District  
22 Court, used alcohol, missed four scheduled drug tests, and  
23 failed to complete the 16 hours of community service that I  
24 had ordered, I modified the conditions of Mr. Mapp's release  
25 to require him to participate in remote alcohol monitoring

1 for 60 days.

2 And, fourth, on August 8th, 2018, after Mr. Mapp  
3 consumed alcohol, missed remote alcohol monitoring tests or  
4 submitted late tests more than three dozen times, left this  
5 judicial district without the permission of his probation  
6 officer, failed to follow his probation officer's  
7 instructions to return to this judicial district, drove with  
8 a suspended license in violation of Illinois law, associated  
9 with a convicted felon without the permission of his  
10 probation officer, and was convicted of domestic battery in  
11 violation of Illinois law, I revoked his supervised release  
12 and sentenced him to time served followed by three years of  
13 supervised release.

14 The government now alleges that once again  
15 Mr. Mapp has violated the conditions of his supervised  
16 release.

17 Mr. Mapp, when I sentenced you on August 8th of  
18 last year, I imposed the following conditions of supervised  
19 release: I ordered you to report to your probation officer  
20 as the officer instructed you. I ordered you to permit the  
21 probation officer to visit you in your home or elsewhere. I  
22 ordered that you participate in a substance-abuse program as  
23 directed by the probation officer. And I ordered you to  
24 participate in a psychological or psychiatric counseling or  
25 treatment program as approved by the probation officer.

1           The government alleges that you violated these  
2           conditions of your supervised release in the following ways:  
3           The government alleges that on December 27 of last year, at  
4           about 2:00 p.m., you talked to your probation officer by  
5           phone and you agreed to meet him at your residence that  
6           evening at 6:00 p.m. When the probation officer showed up  
7           at your residence at 6:00 p.m., you were not there. Over  
8           the next month, your probation officer attempted to contact  
9           you and set up a place and time to meet. Your probation  
10          officer attempted to get in touch with you on four different  
11          days, once by visiting you at your residence and four times  
12          by trying to call you. Your probation officer left you two  
13          different voicemail messages telling you to get in touch  
14          with him. Despite all of this, you never contacted your  
15          probation officer.

16          The government also alleges that since your  
17          supervised release recommenced on August 8th of 2018, you  
18          have failed to attend and complete a substance-abuse  
19          treatment program as directed. On October 26th of last  
20          year, you were referred to an outpatient program at CREATE  
21          in Minneapolis. You attended an intake for this program on  
22          November 26th, but you never participated in any group  
23          sessions and you did not complete the program. You were  
24          unsuccessfully discharged on December 14th of last year.

25          And, finally, the government alleges that since

1 your supervised release recommenced on August 8th of 2018,  
2 you failed to attend any individual counseling sessions with  
3 a mental-health therapist, Dr. Maki at Avivo in Minneapolis,  
4 as instructed by your probation officer.

5 All right. Mr. Aligada, have you and Mr. Mapp  
6 received written notice of these alleged violations?

7 MR. ALIGADA: We have, Your Honor.

8 THE COURT: And have you read and discussed that  
9 notice?

10 MR. ALIGADA: Yes, Your Honor.

11 THE COURT: All right. Mr. Sing, under the rules  
12 Mr. Mapp is entitled to a summary of the evidence that you'd  
13 be prepared to present today, if necessary. Could you  
14 briefly summarize that evidence.

15 MR. SING: Yes, Your Honor. Your Honor, the  
16 government is prepared to call Probation Officer Bradley  
17 Rupprecht, who has supervised Mr. Mapp since he was  
18 transferred to this jurisdiction. Mr. Rupprecht would walk  
19 through the conditions that were imposed following the last  
20 revocation of Mr. Mapp's supervised release, which Mr. Mapp  
21 read and reviewed on September 27th of 2018. And  
22 Mr. Rupprecht would then testify as to the three violations  
23 that the Court just walked through: Mr. Mapp's failure to  
24 report as instructed to probation with the last successful  
25 contact with Mr. Mapp being on December 27th of 2018

1 followed by the numerous attempts to get in touch with  
2 Mr. Mapp that were unsuccessful. Mr. Rupprecht would  
3 testify to the substance-abuse treatment program that was  
4 prescribed and Mr. Mapp's failure to follow through on that,  
5 and his failure to follow through on the psychological and  
6 psychiatric testing program. And Mr. Rupprecht would  
7 testify to his personal knowledge and efforts to investigate  
8 Mr. Mapp's compliance with all of these conditions.

9 THE COURT: All right. Thank you.

10 MR. SING: Thank you, Your Honor.

11 THE COURT: Mr. Aligada, could I have you and  
12 Mr. Mapp at the podium, please.

13 Mr. Mapp, I know you've been here before, so you  
14 probably remember the deal. I'm going to have to ask you  
15 some questions in a minute and you'll have to answer those  
16 questions under oath. So if you will raise your right hand,  
17 please.

18 (Defendant administered oath by the Court.)

19 BY THE COURT:

20 Q. All right. So, Mr. Mapp -- you can put your hand down.  
21 Thank you. At this point, you can either admit these  
22 allegations or you can deny them. If you admit these  
23 allegations, then I will treat them as true. If you deny  
24 the allegations, then the government will have the burden of  
25 proving that its allegations are true by what's called a

1 preponderance of the evidence. In other words, it will be  
2 the government's burden to prove that it's more likely than  
3 not that what it alleges is true.

4 If you deny the allegations, we'll have a hearing.  
5 The government will present evidence against you. You heard  
6 Mr. Sing summarize the evidence he's prepared to present.

7 If we do have that hearing and the government  
8 presents evidence, you will have certain rights, including  
9 the following: You'll have the right to introduce evidence  
10 on your own behalf -- that is, to introduce evidence that  
11 you did not violate any condition of your supervised  
12 release. You'll have the right to be represented by your  
13 attorney, Mr. Aligada. You'll have the right to ask  
14 questions of any witness who testifies against you. And,  
15 finally, if I find that the government has proven that you  
16 violated the conditions of your supervised release, you'll  
17 have a right to make a statement about what the consequences  
18 of that violation should be and to present information  
19 regarding that issue.

20 Let me ask you first do you understand that you  
21 have these rights today?

22 A. Yes, I do.

23 Q. Okay. And do you understand that if you admit any of  
24 the allegations against you, you'll be giving up these  
25 rights and I will treat that allegation as true?

1 A. Yes.

2 Q. Okay.

3 THE COURT: Mr. Aligada, how do you want to  
4 proceed today?

5 MR. ALIGADA: I reviewed the petition and  
6 Mr. Mapp's rights and he intends to admit the violations  
7 today, Your Honor.

8 BY THE COURT:

9 Q. Is that true, Mr. Mapp?

10 A. Yes, I do.

11 Q. Just to be clear, do you admit that you failed to report  
12 to your probation officer as instructed and you failed to  
13 permit him to visit you essentially?

14 A. Yes, I do.

15 Q. All right. And do you admit that you failed to  
16 participate in a substance-abuse program except as I've  
17 described? I know you went through an intake as directed by  
18 your probation officer.

19 A. Yes, I do.

20 Q. And do you admit that you failed to participate in a  
21 psychological counseling program as your probation officer  
22 had directed you to?

23 A. Yes, I do.

24 THE COURT: Okay. Based on Mr. Mapp's admission  
25 of the violations and the description of the evidence, I

1 find that the defendant has violated the conditions of his  
2 supervised release by failing to report to his probation  
3 officer as instructed and failing to permit the probation  
4 officer to visit him, by failing to participate in a  
5 substance-abuse program as directed by his probation  
6 officer, and by failing to participate in a psychological or  
7 psychiatric counseling or treatment program as approved by  
8 the probation officer.

9 Having found that Mr. Mapp violated the conditions  
10 of his supervised release, I now have to decide whether to  
11 revoke his supervised release and, if so, what sentence to  
12 impose.

13 If I revoke his supervised release, the guidelines  
14 would apply as follows: The grade of violation is C. The  
15 criminal-history category is VI. The term of imprisonment  
16 is 8 to 14 months. And the term of supervised release could  
17 be up to life.

18 Mr. Sing, does that sound correct to you?

19 MR. SING: It does, Your Honor.

20 THE COURT: And Mr. Aligada?

21 MR. ALIGADA: Yes, Your Honor.

22 THE COURT: Okay. Mr. Aligada, let me turn things  
23 over to you then and invite you to say whatever you'd like  
24 on Mr. Mapp's behalf.

25 MR. ALIGADA: Thank you, Your Honor.

1 I think the central question, Your Honor, is what  
2 to do when supervised release is impacted by not just  
3 mental-health issues but severe depression. That is where  
4 Mr. Mapp sits.

5 The Court has read the litany of things that have  
6 happened before this, and many of -- before this violation,  
7 and many of the violations there were violations of law.  
8 Many of those were about leaving the district, things that  
9 were volitional and for accountability purposes decisions  
10 that he made to either break the law or ignore the Probation  
11 Office in a way that impacts trust and impacts the future.

12 I know the Court knows this from the last  
13 supervised-release violation petition and hearing:  
14 Mr. Mapp's father died approximately a year ago, just over a  
15 year ago. In October of this year, his mother died. And so  
16 his family has struggled with the loss of two parents, and  
17 he has struggled with who to lean on in that process. We  
18 all know that he can and should lean on his probation  
19 officer. We all know that he can and he should lean on  
20 mental-health professionals that his probation officer  
21 connects him with. But the nature of depression when  
22 combined with what the rest of what Mr. Mapp faces in life,  
23 when depression impacts decision-making and when you see the  
24 track record of exactly what happened here, things began to  
25 spiral in October. And he was released in August, so he was

1 still focusing on re-entry.

2 That said, at least for the substance-abuse  
3 condition here, it's not that he chose not to do anything.  
4 He attended the intake in October, as the Court noted -- or  
5 he did the update in October. He attended the intake in  
6 November. In December I think the history shows that while  
7 he was discharged on December 14th, he showed up not knowing  
8 he was discharged for a session on December 18th and for  
9 various reasons was not allowed to go back in the program.

10 Things have happened since this petition was filed  
11 in January. He has gotten the Rule 25 update. That  
12 happened just a few days ago. My understanding from  
13 Mr. Mapp is what the assessor recommended was mental-health  
14 treatment, given the grief counseling that he has not had.  
15 He has seen Dr. Maki in the last week and intends to keep  
16 doing that.

17 So one way to view supervised release when it's  
18 not a one-size-fits-all proposition is what it takes to get  
19 Mr. Mapp's attention to shake him from the symptoms of  
20 depression, and I think that has happened. And the real  
21 30,000-foot view of what is going on with him is not just  
22 mental-health issues. And I don't mean to use that as a  
23 general term, but true depression is residential  
24 instability. I mean, these violations are about his  
25 probation officer not being able to find him. These

1 violations are about him living on the margins.

2 And so one direct corrective action if the Court  
3 chose to attempt to move him into compliance, as opposed to  
4 simply punishment to move him into compliance, would be to  
5 give him a term of halfway house placement, because then  
6 we'd know where he is and he would be able to save money for  
7 an apartment of his own.

8 He's been living with a brother-in-law. He's been  
9 relying on family for stability as far as residential  
10 housing goes. And so if the Court chose not to do a one  
11 size fits all and punish and chose to focus on having him  
12 find a place to stay and a little closer monitoring by the  
13 Probation Office, given the track record in this instance of  
14 no new crime violations, just living on the margins and  
15 falling between the cracks, I think that's appropriate for  
16 what's gone on with Mr. Mapp. The bottom line is it would  
17 put him in the position to continue with Dr. Maki if that's  
18 the right mental-health course of treatment.

19 If this seems like a request for one more try, it  
20 is. But given his position and given what's happened, it  
21 seems to me that that's what supervised release can be used  
22 for in this circumstance, as opposed to mere punishment.

23 THE COURT: It's a request that I would have more  
24 sympathy for if we were here on the first or second time  
25 instead of what's the fourth time or depends on how you want

1 to count them. It's hard to ignore the history. I mean,  
2 it's sort of frustrating.

3 As I've said to Mr. Mapp -- I think to Mr. Mapp  
4 the last time he was here, he doesn't seem like a bad guy to  
5 me. He has had some grievous losses, the death of both  
6 parents, but we just keep coming back. I just keep getting  
7 notifications that we have this string of violations. It's  
8 just hard to know what to do in these cases.

9 MR. ALIGADA: Understood, Your Honor.

10 THE COURT: Mr. Mapp, is there anything you wanted  
11 to say this morning?

12 THE DEFENDANT: Yeah. You know, yeah, I've got  
13 some grievous loss. I lost my mom and dad. You know, it --  
14 you know, that's hard. It's hard. It's going to be a  
15 struggle. And that's going to be a constant struggle, and  
16 it's going to be a struggle that I'm going to be dealing  
17 with for the rest of my life, you know.

18 THE COURT: We're trying to give you help with  
19 that struggle, Mr. Mapp.

20 THE DEFENDANT: Uh-huh.

21 THE COURT: We're willing to make mental-health  
22 professionals available to you for free so you can get that  
23 help. What's concerning me is you're not getting the help  
24 that we're making available to you. You know what happens  
25 when you don't get help is you do things like drive drunk

1 and --

2 THE DEFENDANT: Spiral. Yeah, spiral out.

3 THE COURT: Yeah, right. And when you spiral out,  
4 people get hurt.

5 THE DEFENDANT: Uh-huh.

6 THE COURT: And I don't want to wake up some  
7 Saturday morning and find you killed some kid in a  
8 drunk-driving accident. I can't just be concerned about  
9 you. I have to be concerned about the people out there who  
10 get hurt when you spiral.

11 THE DEFENDANT: Yeah, but, you know, drugs and  
12 stuff is not -- has not been no problem of mine.

13 THE COURT: Yeah.

14 THE DEFENDANT: I have not been using no drugs.

15 THE COURT: Yep. I give you credit for that.

16 THE DEFENDANT: I'm doing nothing with none of  
17 that.

18 THE COURT: I'm being sincere in asking you this:  
19 So when you get up in the morning, what do you do? What are  
20 you filling your days with?

21 THE DEFENDANT: I mean, I'm just getting up and --  
22 you know, I get up and try to, you know, go to work, try to  
23 get, you know, my job, get my life started right and get on  
24 the right track. Go around putting resumés for different  
25 jobs or whatever, that's what I -- that's what my day has

1       been like since I had recently got violated here. That's  
2       what my day has been like yesterday, the day before.

3               You know, then I've been going back and forth to  
4       the hospital. I've been having a few little issues with my  
5       body, you know. You know, my body ain't been acting right.  
6       I don't know what's been going on, but I've been passing out  
7       a couple times. I passed out a couple times and it -- and  
8       it scares me.

9               THE COURT: Yeah.

10              THE DEFENDANT: It starts scaring me because I  
11       don't know what's going on with me. I went up to the  
12       hospital and they are trying to see what's going on with me.  
13       So that's what I've been concerned with right now, trying to  
14       see what's really going on with my body.

15              THE COURT: Yeah. That could be really serious,  
16       so you want to be sure to get that looked at.

17              THE DEFENDANT: Yeah.

18              THE COURT: Okay. Anything more you want to say  
19       this morning?

20              THE DEFENDANT: Yeah. And, you know, I've got --  
21       I've got -- let me see. How would I word this. Like, you  
22       know, I'm a man, you know. I try to stand on my own, on my  
23       own two, you know. I accept the help. I appreciate the  
24       help. I accept the help, but I like -- you know, I've got  
25       to get mine started for me and my life and my family, you

1 know what I'm saying. So I have to get my life started for  
2 them and carry on for us, you know. I can't keep leaning on  
3 my sister and them, you know, and my brother and them. I  
4 can't keep just leaning on them, you know. I've got to do  
5 me.

6 THE COURT: Well, first you need to get help with  
7 your mental-health problems and it sounds like your physical  
8 problems as well.

9 THE DEFENDANT: Yes.

10 THE COURT: So a step at a time. So don't go from  
11 zero to 60. Go from zero to 10 and then to 20 and then to  
12 30. It's a step-by-step process.

13 All right. Can I just have you step aside for a  
14 moment so I can hear from Mr. Sing.

15 Mr. Sing.

16 MR. SING: Thank you, Your Honor.

17 The government certainly agrees that if this were  
18 the first violation this might be a different conversation,  
19 but Mr. Mapp has been on supervision for quite a long time  
20 both in this district and in Iowa. And he has been before  
21 Your Honor once before and received a sentence of time  
22 served.

23 As far as Mr. Aligada's point of, you know, what's  
24 the right answer as far as shaking the tree or getting  
25 through to him, the Court has tried to give him chances and

1 give him opportunities.

2 He's been clear and had his terms of supervision  
3 read to him multiple times in numerous places and has  
4 continued to go out and askew them until he gets brought  
5 back into court and has an explanation.

6 I'm certainly not unsympathetic to what's happened  
7 in Mr. Mapp's life, but one of the violations here is simply  
8 maintaining contact with his probation officer. That should  
9 be step one, is pick up the phone, call. You're in the real  
10 world now. I had a problem. This is what's going on. I  
11 need help. What can I do? And that didn't happen either.

12 Punishment has a purpose. Standing in front of a  
13 court and saying I understand what the terms of my release  
14 are and I'm going to abide by them, there's a purpose to  
15 that, too. And there's a consistent pattern here of not  
16 having that happen.

17 So the government would submit that some period of  
18 incarceration seems appropriate here. Whether it's split  
19 between time in incarcerative status and time in a halfway  
20 house, that might make sense. But I think some type of  
21 punishment seems to fit the bill here.

22 THE COURT: Okay. Thank you, Mr. Sing.

23 MR. SING: Thank you, Your Honor.

24 THE COURT: Mr. Mapp, let me have you back at the  
25 podium if I could, please. So I think I'm going to have to

1 give you a short term of incarceration. There's been too  
2 many violations over too long of a time. I think we need to  
3 try to get this thing off the track it has been on.

4 After that, I'm going to have you live in a  
5 residential re-entry center for a while so you have a stable  
6 residence and you've got help right there and that hopefully  
7 we can get you on track with mental-health counseling. And  
8 between the jail and the RRC we can get your physical  
9 problems looked at as well.

10 And then, you know, I talked to you about this  
11 before: I don't expect you to be perfect right away. I  
12 mean, you've got a long background here. You have had some  
13 really devastating losses in the last year. What I'm  
14 looking for is that you are trying, that you are in there  
15 trying. And when you blow off your probation officer, when  
16 you don't return his phone calls, when you tell him you'll  
17 meet him at your house at 6:00 and he shows up there and  
18 you're nowhere to be found, then you're dropping out. Then  
19 I've got to take measures to kind of reach out and pull you  
20 back in.

21 So I don't want you to think you have to be  
22 perfect. You know, I'll have a lot of patience with you as  
23 long as you are working with Brad. But when you start  
24 blowing Brad off and you're out there in the wind, that's  
25 when I fear waking up some Saturday morning finding out you

1 killed somebody in a drunk-driving accident or something.  
2 When you are back out, work with Brad. All right? Answer  
3 his phone calls. Meet with him when he asks you to meet  
4 with him. Tell him what you need, tell him what kind of  
5 help we can give you, and hopefully we can get you back on  
6 track.

7 All right. It is the judgment of the Court that  
8 your term of supervised release is revoked and that you,  
9 Deshawn Michael Mapp, are sentenced to prison for a term of  
10 six months.

11 On being released from prison, you will be placed  
12 on supervised release for a term of two years. While you  
13 are on supervised release, you must comply with the  
14 following conditions:

15 On being released from the custody of the Bureau  
16 of Prisons, you must reside for a period of up to 120 days  
17 in a residential re-entry center as directed by the  
18 probation officer, and you must follow all the rules of that  
19 facility.

20 You must comply with the mandatory and standard  
21 conditions of supervised release described in Section 5D1.3  
22 of the version of the United States Sentencing Guidelines  
23 that took effect on November 1st, 2018.

24 Third, you must not use alcohol or other  
25 intoxicants, whether legal or illegal. And you must not

1 spend time in establishments whose primary business is the  
2 sale of alcoholic beverages.

3 Fourth, you must participate in a program for  
4 substance abuse as directed by the probation officer. That  
5 program may include testing, and inpatient or outpatient  
6 treatment, counseling or support group. You must contribute  
7 to the cost of this treatment as determined by the Probation  
8 Office Co-Payment Program.

9 Fifth, you must participate in a psychological or  
10 psychiatric counseling or treatment program as directed by  
11 the probation officer. You must contribute to the cost of  
12 such treatment as determined by the Probation Office  
13 Co-Payment Program.

14 Sixth, you must not knowingly associate with any  
15 member of the Vice Lords gang or any criminal street gang as  
16 that term is described in Section 521(a) of Title 18 of the  
17 United States Code without the permission of your probation  
18 officer.

19 Seventh, you must allow a probation officer or  
20 someone designated and supervised by the probation officer  
21 to search your person, residence, office, vehicle or any  
22 area under your control. The search must be based on  
23 reasonable suspicion of contraband or evidence of a  
24 supervision violation, and it must be conducted at a  
25 reasonable time and in a reasonable manner. You must warn

1 any other residents or affected third parties that your  
2 residence, office, vehicle, and areas under your control may  
3 be subject to searches under the conditions I have just  
4 described.

5 And, finally, eighth, if you do not find  
6 full-time, lawful employment as deemed appropriate by the  
7 probation officer, you may be required to do  
8 community-service work for up to 20 hours per week until you  
9 become employed. You may also be required to participate in  
10 training, counseling or daily job searching as directed by  
11 the probation officer.

12 I direct that the Probation Office furnish to you  
13 a written statement of all of the conditions of your  
14 supervised release.

15 All right. Let me ask you to be seated, please,  
16 while I describe the reasons for the disposition.

17 In determining what sentence to impose, I have  
18 carefully considered the relevant guidelines and policy  
19 statements issued by the United States Sentencing  
20 Commission. In doing so, I recognize that the range  
21 recommended by the guidelines is advisory.

22 As directed by 18 U.S.C. Section 3583(e), I have  
23 also considered the relevant factors described in 18 U.S.C.  
24 Section 3583(a), including the nature and circumstances of  
25 the offense, the history and characteristics of the

1 defendant, and the need to deter Mr. Mapp and others from  
2 committing crimes in the future; to protect the public from  
3 Mr. Mapp; to provide Mr. Mapp with needed care, treatment,  
4 and training; and to avoid unwarranted disparities between  
5 Mr. Mapp's sentence and the sentences of defendants with  
6 similar records who have been found guilty of similar  
7 conduct.

8 In particular as to the sentence of imprisonment,  
9 I have decided to revoke Mr. Mapp's supervised release and  
10 sentence him to a six-month term of imprisonment, which is  
11 slightly below the bottom of the range recommended by the  
12 Sentencing Guidelines.

13 Mr. Mapp has committed really countless violations  
14 of the conditions of his supervised release. Just three  
15 months after being released from prison, Mr. Mapp was  
16 involved in a fight inside of a Downtown Minneapolis  
17 restaurant. He apparently attempted to hit a member of the  
18 wait staff and then, when security intervened, he apparently  
19 attempted to hit a security officer. I deferred action  
20 while Mr. Mapp's state-court case for fifth-degree assault,  
21 disorderly conduct, and trespass was pending.

22 Then, while the state case was still pending,  
23 Mr. Mapp again violated the conditions of his supervised  
24 release by consuming alcohol, testing positive for  
25 marijuana, and tampering with his sweat patches.

1       Nonetheless, I treated Mr. Mapp leniently and merely  
2       required him to perform 16 hours of community service.

3               Less than two months later, Mr. Mapp was in more  
4       trouble. He was charged in Minnesota state court with  
5       careless driving and failure to notify owner of damaged  
6       property after he allegedly drove a rental vehicle into  
7       oncoming traffic, struck a light post, went through a fence,  
8       and rolled the vehicle into a tree. Mr. Mapp fled the  
9       scene, but later blood-alcohol tests revealed a .24 alcohol  
10      concentration. Mr. Mapp admitted that, once again, he  
11      consumed alcohol in violation of his supervised-release  
12      conditions. Mr. Mapp also missed four different scheduled  
13      drug tests; moreover, he had failed to complete the 16 hours  
14      of community service I ordered after his last round of  
15      supervised-release violations. Once again, though, I  
16      treated Mr. Mapp leniently and ordered him to participate in  
17      remote alcohol monitoring for 60 days.

18             About two months later, the probation officer  
19      informed me that Mr. Mapp was failing to comply with the  
20      rules of his remote alcohol-monitoring program. Mr. Mapp  
21      missed, or was late to submit, dozens of scheduled tests and  
22      submitted other tests which tested positive for alcohol.  
23      But that was the least of the problems. Mr. Mapp also  
24      traveled outside the judicial district to Illinois without  
25      the permission of his probation officer, failed to follow

1 his probation officer's instructions to return to the  
2 judicial district, and committed two offenses while in  
3 Illinois -- specifically, driving with a suspended license  
4 and domestic battery. While in Illinois Mr. Mapp also  
5 associated with a convicted felon without the permission of  
6 his probation officer. I decided to revoke Mr. Mapp's  
7 supervision at this point, but -- against my better  
8 judgment -- I gave him the benefit of the doubt and  
9 sentenced him merely to time served, followed by three years  
10 of supervised release. But I warned Mr. Mapp if his  
11 behavior continued on this path, he would not get the  
12 benefit of the doubt the next time.

13 This is the next time, and I am not again willing  
14 to give Mr. Mapp the benefit of the doubt. Mr. Mapp is  
15 still defying the conditions of his supervised release, not  
16 keeping in touch with his probation officer, not following  
17 the instructions of his probation officer, and refusing to  
18 participate in the treatment programs that he so badly  
19 needs. I understand, as I've said, that Mr. Mapp has dealt  
20 with grievous personal losses during his supervised  
21 release -- first the loss of his father and then the loss of  
22 his mother. I do not at all minimize the impact of those  
23 losses on Mr. Mapp. But those losses are all the more  
24 reason why he should be getting mental-health and  
25 substance-abuse treatment as his probation officer directed.

1 And those losses are certainly not an excuse for shutting  
2 out his probation officer and defying his probation  
3 officer's instructions.

4 I cannot allow Mr. Mapp to continue along this  
5 path because, as we described, when he spirals out of  
6 control, other people get hurt and he could get hurt  
7 himself. I think he needs a wake-up call. My hope is that  
8 a six-month prison term, followed by some time in an RRC,  
9 will help Mr. Mapp to follow the conditions of his  
10 supervised release and get his life back on track.

11 As to the term of supervised release, I've imposed  
12 a two-year term of supervised release, along with conditions  
13 to help Mr. Mapp get the substance-abuse and mental-health  
14 treatment he needs and to help his probation officer monitor  
15 him closely.

16 Mr. Mapp, you do have the right to appeal your  
17 sentence. If you want to appeal your sentence, you have to  
18 file a Notice of Appeal and you have to do so within 14 days  
19 after I enter the judgment in your case, which will likely  
20 be later today.

21 If you cannot afford to pay the costs of an  
22 appeal, you can ask for permission to be excused from paying  
23 those costs. If you make such a request, the Clerk of Court  
24 will file a Notice of Appeal on your behalf.

25 Mr. Aligada, what are your thoughts about whether

1 I should have Mr. Mapp taken into custody now or whether he  
2 needs some time to report?

3 MR. ALIGADA: Your Honor, I would request  
4 voluntary surrender. The obvious issues with security  
5 classification influence that. But I do have medical  
6 records from Mr. Mapp. He has gone to several appointments  
7 in the last two weeks at both the chiropractor and a regular  
8 primary care doctor. And to have him be allowed to get  
9 whatever records he needs to bring with him to the BOP and  
10 any follow-up care that they recommend while out of custody  
11 I think would be good. He voluntarily showed up here today  
12 knowing that a prison sentence was a possibility. And,  
13 finally, he was just hired on to a job and to make sure that  
14 he splits with that employment in a way that might get him  
15 the job back when he returns would be --

16 THE COURT: Okay. How much time do you think he  
17 needs?

18 MR. ALIGADA: Two weeks, Your Honor.

19 THE COURT: Okay. So we'll do that. So,  
20 Mr. Mapp, I'm going to --

21 I'm sorry, Mr. Sing, do you have any objection to  
22 that?

23 MR. SING: No, Your Honor. Thank you.

24 THE COURT: So, Mr. Mapp, I'm going to let you  
25 continue to be free. I will have you self-report in a

1 couple weeks. You have to obey all the rules while you're  
2 free. If I get notice that you've missed a test or haven't  
3 returned Mr. Rupprecht's calls or something like that, then  
4 I'll send the marshals out and have you taken into custody.  
5 I don't want to have to do that. So I will give you a  
6 couple weeks so you have a chance to get your affairs in  
7 order.

8 Let me just look at a calendar here. Okay. So  
9 this is March 28th. Two weeks from today is the 11th. So  
10 how about on Monday, the 15th? So, Mr. Mapp, I will order  
11 you to report at 10:00 on Monday, April 15th.

12 I doubt he'll have a designation by then.

13 So you should probably report here to the Marshals  
14 Office at the courthouse here. Okay?

15 All right. Anything more, Mr. Aligada?

16 MR. ALIGADA: No, Your Honor.

17 THE COURT: Mr. Sing, anything more?

18 MR. SING: No, Your Honor. Thank you.

19 THE COURT: Thank you.

20 Good luck to you, Mr. Mapp.

21 THE COURTROOM DEPUTY: All rise.

22 (Court adjourned at 9:38 a.m.)

23 \* \* \*

24 I, Debra Beauvais, certify that the foregoing is a  
25 correct transcript from the record of proceedings in the  
above-entitled matter.

Certified by: s/Debra Beauvais  
Debra Beauvais, RPR-CRR